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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,846	01/11/2001	Trace Eubanks	YEART-001A	9787

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Kit M. Stetina
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, CA 92656

EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,846

Applicant(s)

EUBANKS, TRACE

Examiner

Lalita M Hamilton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement (IDS)

The Examiner acknowledges the IDS stating that the Applicant has found no relevant prior art.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 44C. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 41A-C, 46A, 126, and 128. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because there should be parentheses after "financial institution", and the use of "e.g." (the equivalent of "such as") is improper. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On page 1, there should be a comma before "as well as". On page 2, "web sites;" should be "web sites," and there should be parenthesis surrounding "e.g., by mail or telephone". On pages 9 and 11, the Applicant should either specify "log in" or "login" but not both variations to maintain consistency throughout the specification. On page 12, correction is needed for the parenthetical issue "(e.g., already has sufficient credit (yes in decision block 124)". On page 13, there should be parenthesis surrounding "e.g., requesting the user's deferred payment system identification number, etc."

Appropriate correction is required.

Claim Objections

Claim 6 is objected to because of the following informalities: "approval" should be "approved". Appropriate correction is required.

Claim Rejections - 35 USC 101

35 U.S.C. 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title".

Claims 1-2, 4-6, and 10-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added).

Claims 1-2, 4-6, and 10-14 are rejected under 35 U.S.C. 101, because the claimed invention is directed to a non-statutory subject matter. Specifically the method claims as presented do not claim a technological basis in the pre-amble and the body of the claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim structural / functional interrelationship which can only be computer implemented is considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669,

1671 (Bd. Pat. App. & Inter. 2001) - used only for content and reasoning since not precedential].

In order to overcome the 101 rejection above, the following preamble is suggested:

-A computer implemented method for ---, or something similar. Also, in the body of the claim include structural / functional interrelationship which can only be computer implemented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker (5,945,653).

Walker discloses a method and corresponding system and computer-readable medium for establishing and executing functions to affect credit card accounts and transactions comprising in response to a user request, determining a deferred credit limit for a deferred credit line for the user and in response to a user request, performing at least one purchase transaction, wherein the at least one purchase transaction is made against the deferred credit line for the user (col.3, line 50 to col.4, line 11; col.8, lines 33-60; and col.10, lines 5-41—interest-free purchase system arrangement); determining the deferred credit limit for the user comprises obtaining personal

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information from the user, submitting the personal information to a financial institution, and requesting a deferred payment credit line status from the financial institution (col.9, lines 1-30 and col.10, lines 5-41—function identifier); obtaining the personal information from the user is performed online (col.9, lines 1-30 and col.10, lines 5-41); determining the deferred credit limit for the user further comprises informing the user of the deferred payment credit line status (col.19, line 55 to col.21, line 8---process); the deferred payment credit line status comprises an approval indication or a denial indication (col.19, line 55 to col.21, line 8---process); if the deferred payment credit line status is approved, the deferred payment credit line status further comprises the deferred payment credit limit for the deferred credit line for the user (col.3, line 50 to col.4, line 11; col.8, lines 33-60; and col.10, lines 5-41—limit that is available based on credit available on card); the at least one of the at least one purchase transactions is an online purchase transaction (col.9, lines 49-64); at least one of the at least one purchase transactions is performed exclusively at a deferred payment provider site (col.3, line 50 to col.4, line 11; col.8, lines 33-60; and col.10, lines 5-41—at the site of the merchant requesting the function identifier); at least a portion of the purchase transaction is performed at a merchant site (col.3, line 50 to col.4, line 11; col.8, lines 33-60; and col.10, lines 5-41—at the site of the merchant requesting the function identifier); at least one of the at least one purchase transactions is an offline purchase transaction (col.3, line 50 to col.4, line 11; col.8, lines 33-60; and col.10, lines 5-41—may be used in the merchant's store); performing at least one purchase transaction comprises obtaining a payment for the purchase from a financial institution and making a payment for the

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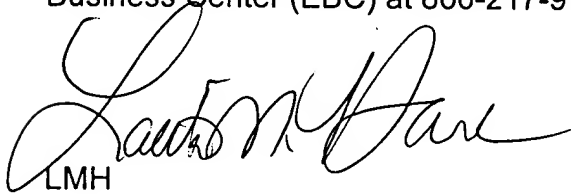
purchase to a merchant (col.19, line 55 to col.21, line 8 and fig.9-all); processing a payment made by the user (col.19, line 55 to col.21, line 8 and fig.9-all); processing the payment made by the user comprises receiving a payment from the user, determining a payment amount to be paid to a financial institution, and forwarding the determined payment amount to the financial institution (col.19, line 55 to col.21, line 8 and fig.9-all); there are a plurality of deferred credit limits, each corresponding to a different deferral period (col.19, line 55 to col.21, line 8 and fig.9-all—may be reflected on statement); a deferred payment server, at least one customer, at least one merchant, and a network, wherein the deferred payment server, the at least one customer and the at least one merchant communicate over the network (col.3, line 50 to col.4, line 11; col.8, lines 33-60; and col.10, lines 5-41—interest-free purchase system arrangement); a financial institution, wherein a provider of the deferred payment server communicates with the financial institution (col.3, line 50 to col.4, line 11; col.8, lines 33-60; and col.10, lines 5-41); there is a single credit application and more than one merchant (col.3, line 50 to col.4, line 11; col.8, lines 33-60; and col.10, lines 5-41); and a computer readable medium having an executable component for making deferred payment purchases, wherein the executable component contains computer-executable instruction for: in response to a user request, determining a deferred credit limit for a deferred credit line for the user, in response to a user request, performing at least one purchase transaction, wherein the at least one purchase transaction is made against the deferred credit line for the user (col.3, line 50 to col.4, line 11; col.8, lines 33-60; and col.10, lines 5-41—interest-free purchase system arrangement).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LMH